



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitchell A. Avery.
Appl. No.: 09/981,312
Filed: October 15, 2001
Docket No.: 1786
Conf. No.: 4970
Title: ***SYNTHESIS OF EPOTHILONES AND RELATED ANALOGS***

Art Unit: 1626
Examiner: Fiona Powers

Action: ***RCE SUBMISSION IN THE FORM OF AN INFORMATION
DISCLOSURE STATEMENT***

Date: September 1, 2005

TO: United States Patent and Trademark Office
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

The documents identified on the attached forms PTO/SB/08A and PTO/SB/08B have come to the attention of the undersigned in connection with the subject application. Unless otherwise indicated, copies of these documents are attached, and it is respectfully requested that they be made of record in this proceeding.

The identification of these documents is for the purpose of meeting Applicant's duty of disclosure under 37 C.F.R. §1.56 and is not intended to be an admission that any of these documents constitute prior art as to the invention disclosed and claimed in the subject application.

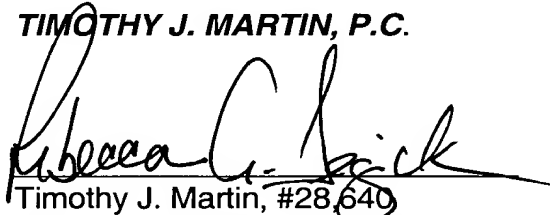
The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Please initial the attached forms PTO/SB/08A and PTO/SB/08B where indicated and return a copy of the initialed documents to the undersigned as an indication that the listed references have been considered and made of record.

The Examiner is courteously solicited to enter an expeditious allowance of this application. If any questions remain to be addressed, it is respectfully requested that the undersigned attorney for the Applicants be contacted at the number listed below.

Respectfully submitted,

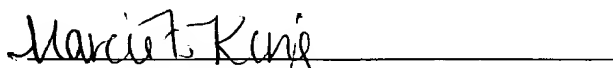
TIMOTHY J. MARTIN, P.C.



Timothy J. Martin, #28,640
Michael R. Henson, #39,222
Rebecca A. Gegick, #51,724
9250 W. 5th Avenue, Suite 200
Lakewood, Colorado 80226
(303) 232-3388

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing **RCE SUBMISSION IN THE FORM OF AN INFORMATION DISCLOSURE STATEMENT (2 PAGES)**, including **FORMS PTO/SB/08A AND PTO/SB/08B (2 pages)** and **REFERENCES** is being deposited for overnight delivery with Federal Express Label No. 8528 1030 5160 addressed to United States Patent and Trademark Office, Customer Service Window, Mail Stop Petitions, Randolph Building, 401 Dulany Street, Alexandria, VA 22314, on this 1 day of September, 2005.


Marcie F. King

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2
-------	---	----	---

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number	09/981,312
Filing Date	October 15, 2001
First Named Inventor	Mitchell A. Avery
Art Unit	1626
Examiner Name	Fiona Powers
Attorney Docket Number	1786

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

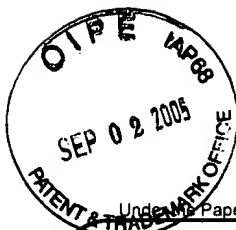
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ ~ Number ⁴ ~ Kind Code ⁵ (if known)				
		WO 00/23452	04-27-2000	Schering		
		WO 99/01124	01/14/1999	Sloan-Kettering		
		WO 99/01124	01/14/1999	Sloan-Kettering		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known**Application Number** 09/981,312**Filing Date** October 15, 2001**First Named Inventor** Mitchell A. Avery**Art Unit** 1626**Examiner Name** Fiona Powers**Attorney Docket Number** 1786

Sheet 2

of

2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Harris, Christina R., et al., "New Chemical Synthesis of the Promising Cancer Chemotherapeutic Agent 12, 13-Desoxyepothilone B: Discovery of a Surprising Long-Range Effect on the Diastereoselectivity of an Aldol Condensation", J. Am. Chem. Soc. 1999, Vol. 121, pp. 7050-7062.	
		Harris, Christina R., et al., "Complex Target-Oriented Synthesis in the Drug Discovery Process: A Case History in the dEpoB Series", J. Org. Chem. 1999, Vol. 64, pp. 8434-8456.	
		Mulzer, Johann, et al., "Easy Access to the Epothilone Family - Synthesis of Epothilone B", Tetrahedron Letters, 1998, Vol. 39, pp. 8633-8636.	
		Valluri, Muralikrishna, et al., "Total Synthesis of Epothilone B", Organic Letters, 2001, Vol. 3, No. 23. pp. 3607-3609.	

**Examiner
Signature****Date
Considered**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.